

House File 2289 - Reprinted

HOUSE FILE 2289

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 427)

(As Amended and Passed by the House February 26, 2014)

A BILL FOR

1 An Act relating to the use of unmanned aerial vehicles, and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.11, subsection 1, paragraph b, Code
2 2014, is amended to read as follows:

3 *b. "Course of conduct"* means repeatedly maintaining a visual
4 or physical proximity to a person without legitimate purpose or
5 repeatedly conveying oral or written threats, threats implied
6 by conduct, or a combination thereof, directed at or toward a
7 person. "Course of conduct" includes the use of an unmanned
8 aerial vehicle, as defined in section 708C.1, to maintain
9 visual or physical proximity to a person as provided in this
10 paragraph.

11 Sec. 2. Section 708A.1, subsection 1, Code 2014, is amended
12 to read as follows:

13 1. *"Material support or resources"* means knowingly assisting
14 or providing money, financial securities, financial services,
15 lodging, training, safe houses, false documentation or
16 identification, communication equipment, facilities, weapons,
17 lethal substances, explosives, personnel, transportation,
18 unmanned aerial vehicles, and other physical assets, except
19 medicine or religious materials, for the purpose of assisting a
20 person in the commission of an act of terrorism.

21 Sec. 3. NEW SECTION. 708C.1 Use of unmanned aerial vehicle
22 — exceptions — penalty.

23 1. As used in this section, unless the context otherwise
24 requires:

25 *a. "Agency"* means a state agency or political subdivision of
26 this state or any person acting on behalf of a state agency or
27 political subdivision.

28 *b. "Dangerous weapon"* includes an instrument or device
29 designed for causing damage to property.

30 *c. "Image"* means any capturing of sound waves, thermal,
31 infrared, ultraviolet, visible light, or other electromagnetic
32 wave, odor, or other conditions existing on or about real
33 property in this state or a person located on that property.

34 *d. "Unmanned aerial vehicle"* means an aircraft that is
35 operated without the possibility of direct human intervention

1 from within or on the aircraft.

2 2. *Agencies.*

3 a. Except as provided in this paragraph, an agency shall
4 not use an unmanned aerial vehicle to capture an image or to
5 receive or disclose an image acquired through the use of an
6 unmanned aerial vehicle.

7 (1) An agency may use an unmanned aerial vehicle to capture
8 an image or to receive or disclose an image acquired through
9 the use of an unmanned aerial vehicle in connection with a
10 search warrant that has been issued under the conditions of
11 section 808.2 authorizing the use on private property.

12 (2) An agency may use an unmanned aerial vehicle without
13 preserving any images under the following circumstances:

14 (a) When searching for a suspect who committed a crime.

15 (b) When supporting the tactical operation of another
16 agency.

17 (c) For crowd monitoring at events.

18 (3) (a) An agency may use an unmanned aerial vehicle if an
19 emergency exists based on a reasonable belief that an imminent
20 threat exists to the life or safety of a person and within
21 forty-eight hours of the emergency use a supervisory official
22 of the agency files a sworn statement with the district court
23 detailing the grounds for using the unmanned aerial vehicle in
24 the emergency.

25 (b) If the supervisory official fails to file the sworn
26 statement as required by this subparagraph, the supervisory
27 official shall be removed from any future involvement with the
28 agency's use of an unmanned aerial vehicle, and the agency
29 shall be required to obtain approval from the applicable
30 supervisory body under paragraph "c" prior to any future use of
31 an unmanned aerial vehicle by the agency.

32 (4) An agency may use an unmanned aerial vehicle on public
33 property.

34 b. An agency shall not archive data captured or received
35 through the use of an unmanned aerial vehicle unless the data

1 was captured or received during an operation in conjunction
2 with a search warrant or during the existence of an emergency
3 under paragraph "a", subparagraph (3), but only for forty-eight
4 hours except upon entry of a district court order requiring the
5 archiving of the data for more than forty-eight hours.

6 *c.* The acquisition of an unmanned aerial vehicle by a
7 state agency shall be approved by the general assembly prior
8 to such an acquisition. The acquisition of an unmanned aerial
9 vehicle at the county, city, or local government level shall be
10 approved by the county board of supervisors, city council, or
11 other supervisory legislative body that oversees the political
12 subdivision.

13 *d.* An agency shall adopt best practices to ensure that
14 unauthorized access to an unmanned aerial vehicle or images
15 captured or received by the unmanned aerial vehicle does not
16 occur.

17 3. *Persons.*

18 *a.* A person shall not use an unmanned aerial vehicle to
19 capture an image of an individual or private property with
20 the intent to conduct surveillance, or to stalk, follow, or
21 intimidate another person.

22 *b.* A person may use an unmanned aerial vehicle to capture
23 or receive an image of an individual if the individual is on
24 public property, or the person has received permission from the
25 individual to capture or receive such an image.

26 *c.* A person shall not use an unmanned aerial vehicle
27 equipped with any of the following unless the unmanned vehicle
28 is used over the real property owned by the person or the
29 person has permission from the owner or a tenant of the real
30 property to use the unmanned vehicle over the real property:

- 31 (1) Emitting a peculiar sound or excessive noise.
32 (2) Spraying a liquid or gas.
33 (3) Dropping an object.

34 4. *Accredited postsecondary institutions.* An accredited
35 postsecondary institution, other than a special security

1 officer or a security agency employed by or otherwise connected
2 with the institution, may use an unmanned aerial vehicle to
3 capture or receive an image for research purposes, or to retain
4 or distribute such an image.

5 5. An unmanned aerial vehicle shall not be equipped with a
6 dangerous weapon.

7 6. This section does not apply to an operation, exercise,
8 or mission of any branch of the United States military, or the
9 Iowa national guard.

10 7. *a.* A person who violates the section commits an
11 aggravated misdemeanor.

12 *b.* A person who violates this section and causes serious
13 injury to another commits a class "D" felony.

14 *c.* A person who violates this section and causes death to
15 another commits a class "C" felony.

16 8. *a.* On June 30, 2015, and every June 30 thereafter,
17 each state agency and each political subdivision if required
18 to do so by the supervising legislative body of the political
19 subdivision, using an unmanned aerial vehicle, shall provide
20 the department of public safety with the following information:

21 (1) The number of instances an unmanned aerial vehicle was
22 used by the agency and the purpose of each use.

23 (2) The number of crime investigations aided by the use of
24 an unmanned aerial vehicle and a description of how the use of
25 an unmanned aerial vehicle aided each investigation.

26 (3) The number of instances an unmanned aerial vehicle was
27 used for purposes other than in a criminal investigation and a
28 description of how the use of the unmanned aerial vehicle aided
29 in that purpose.

30 (4) The annual cost of the unmanned aerial vehicle program
31 of the agency.

32 *b.* The department of public safety shall compile the
33 information provided by the agencies under this subsection and
34 present a report detailing the use of unmanned aerial vehicles
35 to the standing committees on government oversight by January

1 15, 2016, and every January 15 thereafter.

2 Sec. 4. Section 717A.1, Code 2014, is amended by adding the
3 following new subsections:

4 NEW SUBSECTION. 6A. "*Control*" includes the actions of a
5 person using an unmanned aerial vehicle.

6 NEW SUBSECTION. 10A. "*Enter*" includes the actions of a
7 person using an unmanned aerial vehicle.

8 NEW SUBSECTION. 14. "*Unmanned aerial vehicle*" means the
9 same as defined in section 708C.1.